

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, RESCINDING RESOLUTION NO.
2021-269 TO DECERTIFY PROGRAM ENVIRONMENTAL
IMPACT REPORT; AND RESCINDING RESOLUTION NO.
2021-270 TO SET ASIDE AMENDMENTS TO THE 2014
GENERAL PLAN MOBILITY AND TRANSPORTATION
ELEMENT

WHEREAS, on September 30, 2021, the Council of the City of Fresno (City Council) adopted Resolution No. 2021-269 certifying a Program Environmental Impact Report for the City's 2014 General Plan and adopted Resolution No. 2021-270 amending the Mobility and Transportation Element of the City's General Plan to add language requiring the use of vehicle miles travelled as the criteria for evaluating transportation impacts under the California Environmental Quality Act (CEQA) as required by state law; and

WHEREAS, on October 29, 2021, South Fresno Community Alliance (SFCA) filed a petition for writ of mandate challenging the City Council's actions contained in Resolution Nos. 2021-169 and 2021-170 in Fresno County Superior Court case No. 21CECG03237, *South Fresno Community Alliance v. City of Fresno*; and

WHEREAS, following a bench trial on February 24, 2023, the Trial Court denied the petition for writ of mandate and subsequently entered a judgment of dismissal in favor of the City on March 17, 2023; and

WHEREAS, SFCA appealed the judgment of the Trial Court, and following briefing and oral argument, on August 6, 2024, the Fifth District Court of Appeal in case number F086180 issued an opinion reversing the judgment of the Trial Court and directing the

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Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval:



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Trial Court to vacate the order denying SFCA's petition for writ of mandate and to enter a new order granting the petition per the Court of Appeal's unpublished opinion; and

WHEREAS, on December 4, 2024, the Trial Court issued a Peremptory Writ of Mandate whereby it vacated its prior order denying the petition for writ of mandate and ordered that the City: 1) set aside Resolution Nos. 2021-269 and 2021-270 which certified the PEIR was completed in compliance with CEQA and adopted the general plan amendment, and 2) to take corrective action consistent with the opinion of the Fifth District Court of Appeal prior to certifying a revised PEIR was completed; and

WHEREAS, the Council desires to comply fully with the Peremptory Writ of Mandate issued by the Court.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The above recitals are true and correct and are incorporated herein.
2. Resolution No. 2021-269 is hereby rescinded to decertify the Program Environmental Impact Report and to vacate the City's approval of the Greenhouse Gas Reduction Plan Update attached as Exhibit G of the Program Environmental Impact Report.
3. Resolution No. 2021-270 amending the 2014 General Plan Mobility and Transportation Element to add language requiring the use of vehicle miles travelled as the criteria for evaluating transportation impacts under CEQA is hereby rescinded.
4. The Master Environmental Impact Report, which was certified in connection with the City's adoption of its 2014 General Plan in 2014, is the environmental review document for the City's 2014 General Plan, subject to the requirements of CEQA (Public Resource Code §§21000, et seq.) and the CEQA Guidelines (California Code of

Regulations, Title 14, §15000 et seq.). The 2014 Greenhouse Gas Reduction Plan, adopted concurrently with the Master Environmental Impact Report, is the Greenhouse Gas Reduction Plan for the City, subject to the requirements of CEQA and the CEQA Guidelines.

5. The City can take actions concerning specific projects in the City that rely on the City’s General Plan and CEQA analysis for the same to the extent permitted by CEQA and the CEQA Guidelines and consistent with the Court of Appeal’s decision and as determined by the City for specific projects.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2025.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2025
Mayor Approval/No Return: _____, 2025
Mayor Veto: _____, 2025
Council Override Vote: _____, 2025

TODD STERMER, CMC
City Clerk

By: _____
Deputy _____ Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Talía Kolluri _____ Date
Assistant City Attorney